

AN ORDINANCE BY

COUNCILMEMBER CLAIR MULLER

02-0-0963

**AUTHORIZING THE MAYOR OR HER DESIGNEE
TO IMPLEMENT AN ENVIRONMENTALLY
RESPONSIBLE PURCHASING POLICY; AND FOR
OTHER PURPOSES.**

WHEREAS, the citizens of the City of Atlanta generate approximately 240,000 tons of municipal waste annually; and

WHEREAS, the City of Atlanta has closed its municipal landfills and rely on private contractors to handle its municipal waste; and

WHEREAS, the City of Atlanta is required by the Solid Waste Management Act of 1995 to reduce 25% of its waste stream; and

WHEREAS, a Recycling Program with a City-Wide Purchasing Policy that is environmentally sensitive would be a key component in meeting this goal; and

WHEREAS, the citizens of Atlanta as well as the City of Atlanta would be favorably impacted if an Environmentally Responsible Purchasing Policy is implemented throughout city government.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA; as follows:

SECTION 1: That the Mayor or her designee (Director of Purchasing and Real Estate) is authorized to review and implement the attached proposed Environmentally Responsible Purchasing Policy.

SECTION 2: That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

Environmentally Responsible Purchasing Policy

74-x1 Environmentally Responsible Purchasing

74-x1.1 Purpose and Intent

The City of Atlanta Environmentally Responsible Purchasing Policy provides that all departments shall, whenever possible, use recycled products and recycled materials.

The Environmentally Responsible Purchasing Policy calls upon each City department to evaluate its opportunities for the use of products manufactured with recycled materials, to revise contracting and procurement procedures and specifications, and to increase the purchase of recycled products. In the implementation of this policy, each department:

- Evaluates recycled products to determine the extent to which they may be used by the department and its contractors;
- Purchases recycled products and recyclable products whenever practicable;
- Ensures that contracts issued by the department require recycled material content whenever practicable and that contractors provide the type of recycled content and reports of amounts purchased;
- Attempts to reduce the use of paper products and photocopying by double-siding documents; and
- Reports the progress of the policy implementation, including evaluation results and volume purchased by the department and its contractors.

In addition, a Recycled Products Committee will be established to assist in implementation process of this Policy. This committee will be comprised of volunteer staff from City departments chosen by the Chief Environmental Officer, and their task will be to determine the parameters and guidelines of acceptable recycled products and materials for the City to purchase.

To facilitate department implementation of this policy, the Recycled Product Procurement Program is monitored by the Office of Environment with support from the Department of Purchasing. In the implementation of this policy, the Office of Environment will:

- Assemble information about recycled products, vendors, and educational opportunities and communicate it to departments; and
- Review procurement opportunities and policy requirements with departments and monitor implementation efforts; and
- Work with the Recycled Products Committee in establishing purchasing guidelines and requirements of recycled materials and products for the City use.
- Submit an annual report to City Council reflecting the implementation status of the recycled procurement program.

74-x2 Organizations Affected

All City departments and offices that make purchases of any kind or that contract with others to make purchases.

74-x3 Definitions

Environmentally Preferable Product: A product that has a lesser or reduced negative effect on human health and the environment when compared with competing products that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, and disposal of the product. This term includes, but is not limited to, recyclable products, recycled products, and reusable products.

Life Cycle Analysis: The comprehensive examination of a product's environmental and economic effects throughout its lifetime, including new material extraction, transportation, manufacturing, use, and disposal.

Practicable: Satisfactory in performance and available at a fair and reasonable price.

Post-Consumer Recovered Materials: A finished material that would normally be disposed of as a solid waste, having completed its life cycle as a consumer item. Examples include, but are not limited to; old newspaper, office paper, yard waste, steel, aluminum cans, glass, plastic bottles, oil, asphalt, concrete and tires.

Pre-Consumer Recovered Materials: Material or by-products generated after manufacturing of a product is completed, but before the product reaches the end-use consumer. Examples include, but are not limited to; obsolete inventories of finished goods, rejected unused stock and paper wastes generated during printing, cutting and other converting operations.

Recyclable Product: A product that, after its intended end use, can demonstrably be diverted from the City's solid waste stream for use as a raw material in the manufacture of another product, preferably higher value uses.

Recycled Product: A product containing recycled material.

Reusable Product: A product, such as a washable food or beverage container or a refillable ballpoint pen, that can be used several times for an intended use before being discarded.

Total Recovered Material: The total pre- and post-consumer recovered material contained in a product.

74-x4 Environmental Factors to be Considered

The City shall acquire its goods and services in a manner that complies with federal, state, and City laws. The City shall promote the use of environmentally preferable products in its acquisition of goods and services. Environmental factors to be considered in selecting products include life cycle analysis of:

- Pollutant releases;
- Waste generation;
- Recycled content;
- Energy consumption;
- Depletion of natural resources; and
- Potential impact on human health and the environment.

City departments shall use, where practicable, reusable products, recycled-content products, and recyclable products.

Recognizing its role as a major purchaser of goods and services, the City shall seek opportunities to enhance markets for environmentally preferable products through employee education; encourage pilot testing of potential new products; adopt innovative product standards, specifications, and contracts; and embark on cooperative ventures with other jurisdictions.

74-x5 Environmentally Preferable Products

- Paper and paper products; Photocopy paper, computer paper, and a growing variety of recycled printing papers are widely available. EPA content standards have been used by most major paper mills as they have developed recycled products, and distributors of paper are increasingly familiar with recycled content terminology.
- Compost products;
- Horticultural mulch made with recycled land clearing and other wood debris;
- Construction aggregates made with recycled cement concrete, glass, or asphalt;
- Cement and asphalt concrete containing glass cullet, recycled fiber or plastic, tire rubber;
- Lubricating oil and hydraulic oil with re-refined oil content;
- Antifreeze;
- Recycled plastic products;
- Remanufactured tires and products made from recycled tire rubber, including rubber mats and playfield surfaces;
- Insulation products;
- Paint;
- Remanufactured laser printer toner cartridges;

- Other products as designated by the Recycled Products Committee.

74-x 5 Minimum Recycle-Content Procurement Standards

It is recommended that whenever practical and fiscally responsible, to purchase products which contain, in order of preference, the following:

1. The highest percentage of recycled content of post-consumer recovered material, available in the marketplace; and
2. The highest percentage of "pre-consumer recovered material," available in the marketplace.

This preference is a long-term goal the City will want to achieve and, therefore, in those instances where it is deemed impractical to procure a recycled-content item, a specific explanation for the finding must be included in the purchasing record (see 74-x8 Monitoring.)

74-x5 Purchase Requisition, Specification, and Bid Solicitation

Product specifications and requisitions shall conform to the following guidelines:

1. Product specifications and requisitions shall not indiscriminately require the use of products made from virgin materials, nor specifically exclude the use of recycled-content products;
2. Performance standards must be reasonable and related to function, and shall not be designed to exclude the purchase of recycled-content products;
3. To the extent such information is known, City staff shall identify to the Office of Environment products available with recycled content and vendors from whom such products are available;
4. Purchasing agents have the authority to specify a minimum recycled-content standard in bid solicitation to accomplish the purpose of this policy.

74-x6 Contractors and Grantees

All City contractors and grantees shall be requested to conform to the minimum recycle-content procurement standards set forth by Section 74-x 5 Minimum Recycle-Content Procurement Standards, as well as, select products from Section 74-x5 Environmentally Preferable Products if applicable. This request shall be applied to contractors and grantees in procuring materials or products to perform contractual services for the City, to produce or provide a work product in the City or on the City's behalf, or to conduct work funded by a grant from the City.

Contractors and grantees shall be further requested to the City the types, quantities, and total dollar amounts of recycled products which are purchased by the contractor or grantee in connection with City-funded work. The percentage of post-consumer and total recovered material content of such purchased products shall also be requested to be included in the report.

Any RFP or bids for services requested by the City will include a statement that the City prefers doing business with companies that adhere to our principles. In addition, it will request that any proposal submitted to the City shall be printed two-sided on recycled paper with removable, reusable bindings or staples, and the percentage of post-consumer contractors producing reports for the City will submit on recycled paper and recyclable paper.

74-x7 Promotion

All City purchased and printed recycled paper products shall be labeled with the standard phrase: "Printed on Recycled Paper." All City departments shall be required to use recycled products for their business cards, letterhead stationery, envelopes, business forms, plans, and pertinent documents. All said documents shall be printed, with the standard phrase: "Printed on Recycled/Recyclable Paper" with the exception of business cards thereby promoting the use of post-consumer content. If sufficient documentation and certification is available, reasonable efforts shall be undertaken to specifically indicate the percentage of recycled post-consumer content. In this case, the phrase "Printed on ___% Post Consumer Recycled Paper" shall appear on all products produced by and for the City. In addition, the use of non-toxic inks shall be encouraged.

74-x8 Monitoring

The Office of Environment and Department of Purchasing, along with the Recycled Products Committee, shall prepare and deliver to the City Council an annual status report on implementation of this policy and formalize a recycled products list to aid in purchasing and monitoring goals. The report shall include documentation of the types, quantities, and dollar amounts of recycled products purchased in the previous year by the City, its contractors, and grantees. The report shall also identify and discuss the following:

- Instances where this policy is waived or its requirement found impracticable; and
- Barriers to the procurement of recycled-content products.

74-x9 Fiscal Impact

The adoption and implementation of this procurement ordinance may impact budgets, but is unclear at this time. Given the concern of additional landfill development and rising disposal costs, it is necessary to conserve and protect natural resources and support the City of Atlanta's recycling and market development goals.